

Introduction in  
violation of privacy.  
on the same



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\n[[toc title="Table of Contents"](#)]\n

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1. [Introduction](#) \n \t
2. [Findings and discussions](#) \n \t
3. [Insecurity](#) \n \t
4. [Lack of privacy](#) \n \t
5. [Lack of proper government laws](#) \n \t
6. [Poor management](#) \n \t
7. [Privacy issues in YouTube](#) \n \t
8. [Conclusions and recommendations](#) \n \t
9. [Reference list](#) \n

\n[/toc]\n \n

## **Introduction**

It may prove difficult to draw clear difference between infringement of personal privacy and fair usage of social media due to the availability and ease with online materials can be accessed at any given time.

One may not know which video files, songs or pictures to upload and use without permission. It is therefore the duty of the management of social media sites such as Facebook, twitter and You Tube to protect themselves and their users from infringement of privacy. According to studies carried out by recent empirical researchers, loss of privacy can be minimized by designing an End User License Agreement (EULA), a term of service that will to some level, control loss of privacy especially on copyright infringement (Aula 2010, p. 45). Tackling this management problem will save social media

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companies from heavy losses due to payment of huge fines for any form of privacy infringed.

Additionally, it will save the image of social media sites from severe damage linked to sites where the rate of infringement of privacy is high. The use of, or viewing of personal materials without express permission from the owner is a violation that demeans intellectual property of the owner. Due to lack of thorough regulation, many internet users especially in sites like facebook have tremendously violated privacy laws. Lack of strict regulation may be due to the fact that most governments and management teams have given the issue of violation of privacy a laissez-faire approach (Coeckelbergh, 2011, p. 132).

This has immensely contributed to increase in violation of privacy. On the same note, distribution of private materials in the internet has become commonplace. Theft, unauthorized access to materials of other internet users and distribution of illegal copyrighted materials like movies, music, photographs, literature and games have tremendously increased. Modern technology has necessitated sharing and uploading files in social networks. A bigger portion of the uploaded and shared materials infringes on copyright and privacy. This essay will examine how lack of proper management on Facebook, twitter, You tube, MySpace and other social sites has led to loss of privacy.

## **Findings and discussions**

To begin with, Facebook is a networking site that connects people in different geographical locations who study and stay around them online. In

addition to being a social site, there are quite a number of other social interests that are carried out.

They include sharing of links and videos, knowing each other and uploading photos. Social media sites have spread far and wide with over one million registered users who can open files and browse freely, receive and send messages and pictures (Hall, 2011, p. 425). The graph below shows adoption of social media over time alongside elements of management policies.

Source: <http://heidicohen.com/5-social-media-adoption-indicators> Facebook and other social media sites users can also post and share their interests and biographies with other users as well.

The site offers its users opportunities to connect in almost every area in life. It has numerous benefits that touch both social and economic sectors. It gives the user the access to the intrinsic value of the social world. This is practical in the sense that if you have a brand or an organization, and a potential researcher sees your profile, can easily access you. A number of factors cause violation of individuals' privacy in social media as discussed below.

## **Insecurity**

The act of sharing of files on social network sites has increased tremendously with over 5 million active users and over 200 million people who log in everyday. Photos, music, videos and other literary materials are uploaded and exchanged each day (Kemp & Moore 2007, p. 62). As such, users are capable of displaying and exchanging video and music files vastly and consequently exposing the site to copyright infringement. The postings

and most of the uploaded files to one's profile and those of other users often break the Statement of Rights and responsibilities law that Facebook is supposed to follow. The use of or viewing of individuals' materials without express permission from the owner is a violation that demeans intellectual property of the owner (Booth & Matic, 2011, p. 187).

Due to lack of thorough regulation, many internet users, especially in sites like facebook have tremendously violated privacy laws. Lack of strict regulation may be due to the fact that most governments and management teams have given the issue of violation of privacy a laissez-faire approach. When referring to friends, it brings up the connotation that indicates privacy and limitation to a restricted group thereby raising the question whether it is copyright infringement.

However, the action of uploading and sharing this material privately or publicly violates copyright. It amounts to theft and piracy, which is infringement of a person's right through prohibited manufacture of copyright work and selling to other people. Valuable products have been produced through Facebook, and distributed across the internet.

### **Lack of privacy**

Research studies have indicated that social network sites have user preferences which allow the latter to make materials and information on wall private and a preference to make the information public (Hung & Wong, 2009, p. 160). The " share" option allows the user to share contents like videos with other friends via a link and vice versa. The issue of friends brings up a connotation that indicates privacy and limitation to a restricted group

thereby raising the question whether it is privacy infringement (Ahlqvist et al.

2010, p. 15). However, the action of uploading and sharing this material privately or publicly violates copyright. It amounts to theft and piracy, which is infringement of a person's privacy through prohibited manufacture of copyright work and selling to other people. Valuable products have been produced through Facebook, and distributed across the internet (Tench, Bowd & Jones 2007, p. 368).

The chart below shows how privacy has evolved in social media (Facebook)  
Source: <http://futureready101.com/digital-identity-and-privacy-management>  
As aforementioned, it may prove difficult to draw the difference between infringement of copyright and the fair usage of the many available and easy to access materials social media sites offers. One may not know which video files, songs or pictures to upload and use without permission (Spake, Finney & Joseph 2011, p. 22). It is therefore the duty of the Facebook to protect itself and its users.

Proper management of these sites will save the social network companies from suffering losses due to payment of huge fine for any piece of material infringed. Additionally, it will save their image from severe damage linked to sites where encroachment rate is high.

### **Lack of proper government laws**

There are several pieces of legislations that have struck agreements between online companies and owners of private or copyright materials by setting rights for each party. However, internet service providers are being  
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given security not to be held responsible for transmitting or storing infringing contents a user decides to upload, keep or share without the knowledge of the knowledge company (Tatham & Spens, 2011, p. 25). However, if this infringement becomes known, that online company should remove the content.

In case of infringement, copyright owners should alert the online company. This is a notice and takedown act of section 512 DMCA and the online company should respond to it by removing the infringement otherwise it would lose its protection section 512 DMCA gives it (Cullen, 2009, 415). Also, the DMCA section 512 gives the online users some protection. An online web user reserves the right to be informed of the removal of an infringing material uploaded or posted. Some sites have already adopted privacy requirements for their users. A case example is Facebook as shown below.

Source: [http://www.](http://www.marketersstudio.com/2008/02/surprise—face.html)

[marketersstudio.com/2008/02/surprise—face.html](http://www.marketersstudio.com/2008/02/surprise—face.html)

## **Poor management**

The distribution of private materials in the internet has become commonplace. Theft, unauthorized access to materials of other internet users and distribution of illegal copyright materials like movies, music, photographs, literature and games have tremendously increased. Modern technology has necessitated sharing and uploading files in social networks. A bigger portion of the uploaded and shared materials is infringes on copyright. This can be attributed to the management which has become

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slack in offering protection to users as well as in controlling the flow of information in the internet (Chang & Lin 2007, p.

442). Many online communicators can now communicate freely, share contents and other pieces of information despite the 512 takedown notices being sent by the copyright owners who have come up with the programs of taking down contents infringed (Jevons, Gabbott & Chernatony 2005, and p. 308). Sometimes they do this without considering whether there is infringement or not. Privacy infringement should be dealt with by all the sectors in the economy. The government should come up with better ways to handle this form of intellectual property violation (Cho et al. 2009, p. 945).

It should avail funds for the government law enforcement departments both at the local and the state levels so that it is possible to investigate criminal trademark and copyright infringements.

## **Privacy issues in YouTube**

It is a social site where videos are shared. It gives the users an opportunity to view videos in their computers. The viewers using You Tube must have their browsers installed with an Adobe Flash Player plug-in to enable watching videos possible. Even though it does not avail all the videos in the site for the user to play, viewers whose browsers use WebM or H.

264 to support HTML5 can access and play the available videos. The site has brought numerous benefits into the world and vastly enjoyed by the society, having enriched online entertainment. To begin with, It has boosted the marketing sector by allowing the advertising of products to be done free of charge. Unlike other advertising media that charge for video shows, you tube

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video advertising accessible to all. Secondly, due to the immense population of YouTube users, anything the business community brings into the market gains global audience. In addition, the site gives its users to popularize their artistic works, for instance, when an individual uploads a video in the site.

You Tube has given opportunities to small and developing businesses as well as amateur videographers a room to develop themselves. In fact, it is through these very small businesses that it was able to rise to become a stable site. Besides, well established companies have benefited from YouTube. For instance, by airing a Jimmy Kimmel Live! Play on You Tube home page, ABC was able to win awards due to the flocking of viewers to watch it.

The violation of copyright laws in YouTube is mostly due the viral video that lack original contents. Frequently, users upload movie music and television clips in YouTube. This constitutes copyright infringement. Controlling and preventing copyright infringement by producers, music companies and record companies has been a huge challenge since it is easy to upload, download and share materials online. It becomes harder to arrest the huge number of YouTube users who infringe on copyright so fast and easily. This poses as a threat to legal owners of copyrighted materials who are seeking to hold liable YouTube if it does not control privacy infringements. Therefore, it is challenging to know who should control the rampant violations. This prompts the legal owners to seek help from the court to have YouTube automate a mechanism that will remove infringing material.

However, the measures adopted in curbing copyright violation by YouTube may partly affect major businesses depending on the online cooperation among companies like Facebook, My Space and AOLI. It is against this background that the battle against copyright infringement is being strongly fought. There are several pieces of legislations that have struck agreements between online companies and owners of copyright materials by setting rights for each party.

However, internet service providers are being given security not to be held responsible for transmitting or storing infringing contents a user decides to upload, keep or share without the knowledge of the knowledge company. However, if this infringement becomes known, that online company should remove the content. In case of infringement, copyright owners should alert the online company. This is a notice and takedown act of section 512 DMCA and the online company should respond to it by removing the infringement otherwise it would lose its protection section 512 DMCA gives it. Also, the DMCA section 512 gives the online users some protection. An online web user reserves the right to be informed of the removal of an infringing material uploaded or posted.

## **Conclusions and recommendations**

From the findings, it is imperative to note that social media sites offer users opportunities to connect in almost every area in life.

It has numerous benefits that touch both social and economic sectors. It offers the user the access to the intrinsic value of the social world. However, apart from its many benefits, it carries with it negatives aspects that include

provision of room for infringement of privacy of users. From the findings, this is due to the free flow of materials across the internet. It is therefore recommendable that social media companies formulate plans and methods that will ensure that they control materials that are released through their sites.

Additionally, the levels of privacy and security in the social sites should be increased. Besides, the government should come up with effective laws that will ensure that those who violate other peoples' privacy are apprehended and punished.

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